

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Statement of Undisputed Facts in Support of Plaintiff Portside Growth and Opportunity Fund's Motion for Summary Judgment** was served on June 29, 2007, via First Class U.S. Mail to:

Earth Biofuels, Inc.
3001 Knox Street, Suite 403
Dallas, TX 75205

/s/ Kevin Floyd

Kevin Floyd